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**FILED**  
DISTRICT COURT OF GUAM  
NOV 20 2006 *✕*  
MARY L.M. MORAN  
CLERK OF COURT

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE DISTRICT OF GUAM

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 GERTRUDE CRUZ,  
aka GERTRUDE C. JACKSON,  
14 aka TRUDY CRUZ,

15 Defendant,

16 WEBCO GENERAL PARTNERSHIP,

17 Garnishee.  
18

CIVIL CASE NO. 98-00061

**NOTICE OF POST-JUDGMENT  
CLERK'S GARNISHMENT;  
INSTRUCTIONS TO  
DEFENDANT-JUDGMENT DEBTOR**

19 NOTICE OF POST-JUDGMENT CLERK'S GARNISHMENT;  
20 INSTRUCTIONS TO DEFENDANT-JUDGMENT DEBTOR

21 You are hereby notified that your salary at WEBCO General Partnership is being taken by  
22 the United States of America which has a judgment in Civil Case No. 98-00061, District of  
23 Guam, in the principal amount of \$22,156.38 plus accrued interest to September 24, 1998 in the  
24 amount of \$3,258.12, and interest thereafter to the date of judgment at the rate of 4.0 percent per  
25 annum, and interest from the date of judgment at the legal rate until paid in full; together with  
26 advances, costs and expenses, including \$150.00 in filing fees under 28 U.S.C. § 2412(a)(2) and  
27 28 U.S.C. § 1914(a), administrative fees in the amount of \$762.<sup>44 min</sup>~~55~~, fees; and for such other and  
28 further relief as this Court deems just and proper.

1       There is a balance of \$10,857.55, as of November 15, 2006 (\$10,837.45 principal +  
2 \$20.10 int. to 11/15/2006).

3       In addition, you are hereby notified that there are exemptions under the law which may  
4 protect some of the property from being taken by the Government if you, GERTRUDE CRUZ  
5 aka GERTRUDE C. JACKSON aka TRUDY CRUZ can show that the exemptions apply.  
6 Attached is a summary of the major exemptions which apply in most situations in the Territory of  
7 Guam.

8       If you are GERTRUDE CRUZ aka GERTRUDE C. JACKSON aka TRUDY CRUZ, you  
9 have a right to ask the court to return your property to you if you think you do not owe the money  
10 to the Government that it claims you do, or if you think the property the Government is taking  
11 qualifies under one of the above exemptions.

12       If you want a hearing, you must notify the court within 20 days after receipt of the notice.  
13 Your request must be in writing.

14       If you wish, you may use the attached request for hearing. You must either mail it or  
15 deliver it in person to the Clerk of the United States District Court of Guam, 4<sup>th</sup> Floor,  
16 U.S. Courthouse, 520 West Soledad Avenue, Hagåtña, Guam 96910. You must also send a copy  
17 of your request to the United States Attorney's Office, Sirena Plaza, Suite 500, 108 Hernan  
18 Cortez Avenue, Hagåtña, Guam 96910, so the Government will know you want a hearing.

19       The hearing will take place within five (5) days after the Clerk receives your request, if  
20 you ask for it to take place that quickly, or as soon after that as possible.

21       At the hearing you may explain to the judge why you think you do not owe the money to  
22 the Government. If you do not request a hearing within 20 days of receiving this notice, your  
23 property may be sold at public auction and the proceeds of the sale will be applied to the debt you  
24 owe the Government.

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1 If you think you live outside the Federal judicial district in which the court is located, you  
2 may request, not later than 20 days after you receive this notice, that this proceeding to take your  
3 property be transferred by the court to the Federal judicial district in which you reside. You must  
4 make your request in writing, and either mail it or deliver it in person to the Clerk of the Court at  
5 the United States District Court of Guam, 4<sup>th</sup> Floor, U.S. Courthouse, 520 West Soledad Avenue,  
6 Hagåtña, Guam 96910. You must also send a copy of your request to the Government at U.S.  
7 Attorney's Office, Sirena Plaza, Suite 500, 108 Hernan Cortez Avenue, Hagåtña, Guam 96910,  
8 so the Government will know you want the proceeding to be transferred.

9 Be sure to keep a copy of this notice for your own records. If you have any questions  
10 about your rights or about this procedure, you should contact a lawyer, an office of public legal  
11 assistance, or the clerk of the court. The clerk is not permitted to give legal advice, but can refer  
12 you to other sources of information.

13  
14 11/20/2006

15   
16 MARY L.M. MORAN  
17 Clerk of Court  
18 District Court of Guam  
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4 IN THE UNITED STATES DISTRICT COURT  
5 FOR THE DISTRICT OF GUAM  
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7 UNITED STATES OF AMERICA, )

CIVIL CASE NO. 98-00061

8 Plaintiff, )

9 vs. )

10 GERTRUDE CRUZ,  
11 aka GERTRUDE C. JACKSON,  
12 aka TRUDY CRUZ, )

**REQUEST FOR HEARING**

12 Defendant, )

13 \_\_\_\_\_  
14 WEBCO GENERAL PARTNERSHIP, )

15 Garnishee. )

16 REQUEST FOR HEARING  
17

18 Pursuant to 28 U.S.C. § 3202, I Request that the Court hold a hearing in this matter and  
19 further state that:

20 \_\_\_\_\_ I do not owe the money to the Government as it says I do.

21 \_\_\_\_\_ The property that the Government is taking is exempt.  
22

23 DATED: \_\_\_\_\_  
24

GERTRUDE CRUZ  
aka GERTRUDE C. JACKSON  
aka TRUDY CRUZ

26 Address: \_\_\_\_\_  
27 \_\_\_\_\_  
28

Telephone Number: \_\_\_\_\_

**CLAIM FOR EXEMPTION FORM**  
**MAJOR EXEMPTIONS UNDER FEDERAL LAW**

I claim that the exemption(s) from garnishment which are checked below apply in this case:

- \_\_\_ 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- \_\_\_ 2. Veterans benefits (38 U.S.C. § 3101).
- \_\_\_ 2a. Members of armed services (10 U.S.C. § 1440, 38 U.S.C. § 562).
- \_\_\_ 3. Federal Civil Service Retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- \_\_\_ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- \_\_\_ 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- \_\_\_ 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- \_\_\_ 6a. Seaman's master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- \_\_\_ 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).
- \_\_\_ 7. **Bankruptcy Code** (Title 11, United States Code) which generally provides exemptions for:

- \_\_\_ 7a. \$18,450.00 of equity in a residence.

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

- \_\_\_ 7b. \$2,950.00 of equity in a motor vehicle.

Property Claimed: \_\_\_\_\_  
Fair market Value \$ \_\_\_\_\_

- \_\_\_ 7c. \$1,225.00 in jewelry.

Property Claimed: \_\_\_\_\_  
Fair market Value \$ \_\_\_\_\_

- \_\_\_ 7d. \$9,850.00 in personal property. (However, no single item worth more than \$475.00 can be claimed as exempt.)

Property Claimed: \_\_\_\_\_  
Fair market Value \$ \_\_\_\_\_

\_\_\_ 7e. Property totaling up to \$975.00, plus up to \$9,250.00 of any unused amount of the exemption provided in number 7(a) above.

Property Claimed: \_\_\_\_\_  
Fair market Value \$ \_\_\_\_\_

\_\_\_ 7f. \$1,850.00 of equity in professional books, implements or tools, your trade or you dependent's trade.

Property Claimed: \_\_\_\_\_  
Fair market Value \$ \_\_\_\_\_

\_\_\_ 7g. Any unmatured life insurance contract you own, other than credit life insurance.

Property Claimed: \_\_\_\_\_  
Fair market Value \$ \_\_\_\_\_

\_\_\_ 7h. The aggregate value, up to \$9,850.00, of any accrued dividend or interest under, or loan value of, any unmatured life insurance contract you own, but only if you are the insured or you are a dependant of the insured.

Property Claimed: \_\_\_\_\_  
Fair market Value \$ \_\_\_\_\_

\_\_\_ 7i. Professionally prescribed health aids for you or your dependants.

Property Claimed: \_\_\_\_\_  
Fair market Value \$ \_\_\_\_\_

\_\_\_ 7j. Unemployment compensation benefits, local public assistance benefits, disability benefits, illness benefits; and alimony, support and separate maintenance, to the extent these items are reasonably necessary for your support or the support of your dependants.

Property Claimed: \_\_\_\_\_  
Fair market Value \$ \_\_\_\_\_

\_\_\_ 7k. A payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for your support or the support of your dependants, subject to the limitations set forth at Title 11 United States Code Section 522(d)(10)(E)(i)-(iii).

Property Claimed: \_\_\_\_\_  
Fair market Value \$ \_\_\_\_\_

\_\_\_ 7l. Your right to receive, or property that is traceable to,  
- an award under a crime victim's reparation law;  
- a payment on account of the wrongful death of an individual of whom you were a dependant, but only to the extent of reasonably necessary for your support or the support of your dependants;  
- a payment under a life insurance contract that the insured an individual of whom you were a dependant on the date of the insured's death, but only to the extent reasonably necessary for your support or the support of your dependants;  
- a payment, not to exceed \$18,450.00, on account of personal bodily injury suffered by you or by an individual of whom you are a dependant; however, payment for pain and suffering or payment to compensate actual pecuniary loss are not exempt under this paragraph;  
- a payment in compensation of loss of your future earnings or the future earnings of an individual of whom you are, or were, a dependant, but only to the extent reasonably necessary for your support or the support of the your dependants.

Property Claimed: \_\_\_\_\_  
Fair market Value \$ \_\_\_\_\_

**NOTE:** If you have selected the Bankruptcy Code exemptions (Line 7 above), you may not also claim the exemptions listed below.

**MAJOR EXEMPTIONS UNDER THE TERRITORY OF GUAM**

**NOTE:** If you select the exemptions available under territorial law, the law of the territory or state while you have been domiciled for the greater part of the last 180 days governs your rights.

Relevant Territorial law provisions pursuant to 7 G.C.A. § 21333 allow the following exemptions:

\_\_\_\_ 9. **Debtor's Homestead**

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

\_\_\_\_ 10. **Personal Property** - Necessary household goods, table and kitchen furniture. Necessary clothing valued at \$50.00 and provision for three months. A fishing boat and net valued at \$50.00. A cow and its calf, two sows and their suckling pigs, fifteen hens and three roosters; and a one month supply of food for each animal. Articles of religious worship valued at \$25.00.

<u>Property Claimed:</u>	<u>Fair Market Value</u>
_____	\$ _____
_____	\$ _____

\_\_\_\_ 11. **Trade/Farming Implements** - Farming utensils valued at \$50.00. A beast of burden (e.g., horse, carabao or ox) with one cart together valued at \$150.00 used in the ordinary course of business; also one month supply of food for such beast and grain or vegetables for planting or sowing within six months valued at \$25.00.

<u>Property Claimed:</u>	<u>Fair Market Value</u>
_____	\$ _____
_____	\$ _____

\_\_\_\_ 12. **Tools of the Trade** = Professional libraries or lawyers, judges, clergyman, doctors and preachers valued at \$250.00. Necessary tools of mechanic/artisan valued at \$25.00

Amount Claimed: \$ \_\_\_\_\_

\_\_\_ 13. **Cemeteries and Burial Funds** - Gravestones

Property Claimed:	Fair Market Value
_____	\$ _____
_____	\$ _____
_____	\$ _____

\_\_\_ 14. **Wages/Salary** - Necessary earnings of debtor rendered within thirty days next preceding the levy of execution or attachment.

Amount Claimed: \$ \_\_\_\_\_

\_\_\_ 15. **Military Equipment** - Arms, uniforms and accouterments for Guam militia.

Property Claimed:	Fair Market Value
_____	\$ _____
_____	\$ _____
_____	\$ _____

\_\_\_ 16. **Child Support and Separate Maintenance** - Child support money received.

Amount Claimed: \$ \_\_\_\_\_

\_\_\_ 17. **Pensions and Retirement Benefits** - Pensions payable by the U. S., Government of Guam, and private retirement plans.

Amount Claimed: \$ \_\_\_\_\_

The statements made in this claim of entitlement to exemptions and the fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Defendant's printed or typed name